

Absent—Excused

Metcalfe Winfield
Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

Absent—Excused

Metcalfe Winfield
Spears

Senate Resolution 48

The President laid before the Senate for consideration at this time (the resolution having been offered today pending the morning call):

S. R. No. 48, Memorializing Congress to enact legislation to prevent strikes and controversies arising therefrom in any war-defense industry or any transportation system.

Question—Shall the resolution be adopted?

Adjournment

Senator Kelley moved that the Senate adjourn until 10:00 o'clock a. m. Monday, March 3, 1941.

The motion prevailed; and the Senate accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, March 3, 1941.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the motion to adjourn.

TWENTY-EIGHTH DAY

(Monday, March 3, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 27, 1941 was dispensed with and the Journal was approved.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Aikin:

S. B. No. 211, A bill to be entitled "An Act appropriating the sum of One Million, One Hundred Thirty-two Thousand, One Hundred Eighty-one and 58/100 (\$1,132,181.58) Dollars, per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1941, and ending August 31, 1943, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education, general rehabilitation, and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds, providing for the administration, attaching conditions, regulations,

and limitations relative thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the conditions specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under the authority of the State Superintendent of Public Instruction, who is the Executive Officer of the State Board for Vocational Education, under the direction of the State Board for Vocational Education; providing for acceptance and disbursement of all Federal moneys as may be made available to the State Board for Vocational Education in accordance with plans acceptable to the Federal agency in charge of such funds; defining the powers of the State Board for Vocational Education and the State Superintendent who is the Executive Officer; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Finance.

By Senators Winfield and York:

S. B. No. 212, A bill to be entitled "An Act authorizing any banking corporation selected as the depository for county funds or as the depository for the funds of any school district in Texas, to pledge General Fund Warrants of the State of Texas as securities securing such funds when, as otherwise provided by law, such banking corporations are authorized to pledge securities in lieu of personal bonds or surety bonds; and declaring an emergency."

To Committee on Banking.

By Senator Winfield:

S. B. No. 213, A bill to be entitled "An Act providing for compensation to be paid county commissioners for their services as ex-officio road commissioners; providing for reimbursement of county commissioners for the use by such commissioners of their personal automobiles in traveling in the discharge of their duties as ex-officio road commissioners; and limiting the application of this Act to counties regularly maintaining in excess of one thousand (1,000) miles of county maintained roads and having an assessed valuation, according to

the approved tax rolls for the last preceding year, exceeding Thirty-five Million (\$35,000,000) Dollars; repealing all laws or parts of law in conflict herewith; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Fain:

S. B. No. 214, A bill to be entitled "An Act providing for medical and dental service for destitute children, to be paid for by the State; providing that the State Department of Health, through the Division of Maternal and Child Health or through any appropriate division of said department, shall administer the provisions of this Act; providing that the State Health Department will contract with licensed practitioners of medicine and dentistry of the State to supply such services; providing that the fees for such services shall be determined upon the recommendation of the Council of Medical Economics of the State Medical Association of Texas and upon approval by that association by the local component society; and upon the recommendation of the Economics Committee of the Texas State Dental Society, upon the approval by the society and its component organizations; setting forth the procedure to be followed in obtaining such services; describing violations of the Act and providing penalties therefor; and declaring an emergency."

To Committee on Public Health.

By Senator Hill:

S. B. No. 215, A bill to be entitled "An Act to amend Article 438 of the Penal Code of the State of Texas, 1925, so as to provide that the nepotism law shall not apply in cases where the person employed or working has been so engaged and actually serving at least two years prior to the election of any officer related to the person thus affected; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Hill:

S. B. No. 216, A bill to be entitled "An Act providing that it shall be unlawful to employ girls under twenty-one (21) years of age to dispense beer; providing that it shall be unlawful to employ women in liquor

package stores; providing that any violation of this Act shall constitute a misdemeanor, and fixing the punishment therefor; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Hill:

S. B. No. 217, A bill to be entitled "An Act amending Section 22, Chapter 448, Acts of the Forty-fifth Legislature, which amended Section 17, Article 1, Chapter 467, Acts of the Second Called Session, Forty-fourth Legislature, making it unlawful for women to be employed in liquor package stores in any capacity; and amending Section 17, Chapter 13, Acts of the First Called Session, Forty-fifth Legislature, which amended Section 19, Article 2, Chapter 448, Acts of the Forty-fifth Legislature, making it unlawful to employ girls under the age of twenty-one (21) years to sell, dispense or deliver beer; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Chadick:

S. B. No. 218, A bill to be entitled "An Act defining persons eligible to receive old age assistance; the amount to be paid to each person eligible for old age assistance; providing old age assistance money shall be prorated among beneficiaries in certain events; providing what investigation shall be made of applicants for old age assistance; authorizing the Department of Public Welfare to make reasonable rules and regulations to carry out the provisions of this Act; authorizing the Department of Public Welfare to accept aid from the Government of the United States and to comply with the regulations of that government in accepting aid; and declaring an emergency."

To Committee on State Affairs.

By Senator Chadick:

S. B. No. 219, A bill to be entitled "An Act providing that no election for the dissolution of school districts shall be held until three years have elapsed after the date of the election at which such districts were consolidated; and no election for the consolidation of the same school districts shall be held until three years have elapsed after the date of the election at which consolidation of the same school districts was defeated; repealing all

laws in conflict therewith; and declaring an emergency."

To Committee on Education.

By Senator Chadick:

S. B. No. 220, A bill to be entitled "An Act granting the commissioners' court of counties having a permanent school fund permission to transfer the administration, investment, and care of the permanent school fund of counties to the County Board of Education, subject to the laws now or hereafter existing in regard to the permanent school fund of counties; repealing all laws in conflict with the provisions of this Act; and declaring an emergency."

To Committee on Education.

By Senator Vick:

S. B. No. 221, A bill to be entitled "An Act authorizing the issuance of bonds by the commissioners' court of Limestone County after same shall have been authorized by a majority vote of the qualified property tax paying voters of said county voting at an election called for the purpose, bearing interest at a rate of not exceeding five (5%) per cent per annum, for the purpose of funding the road and bridge indebtedness of the county, incurred prior to the effective date of this Act, into bonds of Limestone County, this law being a local road law for Limestone County; enacting regulations and limitations relating thereto; prohibiting the commissioners' court of said county from issuing any warrants, scrip or other evidence of indebtedness against the road and bridge fund of said county, except as authorized by this Act, in excess of the current revenues of said county for road and bridge purposes, and providing that any contract or indebtedness made in violation of this Act shall be void; enacting all other provisions necessary and incidental to the subject and purpose of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 222, A bill to be entitled "An Act amending Article 7331 of the Revised Civil Statutes of Texas, 1925, [relating to certificates of redemption]; and declaring an emergency."

To Committee on State Affairs.

By Senator Van Zandt:

S. B. No. 223, A bill to be entitled "An Act creating a Court of Claims of the State of Texas, consisting of three judges to be appointed by the Governor with the advice and consent of the Senate, the Governor to indicate which judge shall be presiding judge; fixing the term of office, qualifications, annual salary, causes for removal of the said judges; prohibiting the judges from practicing law or acting as referee or master or from holding any other office or public trust; fixing the term of court and authorizing a vacation; directing the Board of Control to provide an office and court room for the Court, and fixing the place of session; authorizing the Court to appoint a clerk, deputy clerk, and stenographer, and to determine their tenure and prescribe their duties; requiring a bond of the clerk and deputy clerk, and fixing the salary of the employees; providing for traveling and other expenses of the judges and employees while away from the city of Austin; authorizing an official seal; fixing a fee for the filing of claims and for furnishing documents; providing for a 'Contingent Fund;' prescribing the jurisdiction of the Court and its authority, powers, and duties in connection with claims filed before it; providing for the regulation of practice and procedure; waiving immunity of the State and consenting to the filing of claims against it in the Court; prescribing periods of limitation within which claims shall be filed; providing the manner and form of claims, number of copies to be filed, and for service on the Attorney General of the State; designating the Attorney General as the representative of the State in all proceedings; providing for a docket, hearings, and the manner of conducting the same, and that findings of the Court shall be binding and conclusive where based upon substantial evidence; prescribing the manner of reporting judgments to the Legislature and for enforcing judgments for and against the State; providing for an appeal; prescribing records to be kept by the Court and reports to be made to the Legislature, the Governor, and the State Comptroller by the Court and its employees; requiring that all claims against the State be filed with the Court when it has

jurisdiction; appropriating funds for the payment of salaries; providing that unconstitutionality of any part of the law shall not invalidate the remainder; providing that all laws in conflict herewith are repealed; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Metcalfe:

S. B. No. 224, A bill to be entitled "An Act conferring additional powers on the board of trustees in any independent school district having a scholastic population of not less than five hundred (500) and located in any county in this State having a population of not less than four thousand five hundred twenty-one (4,521) and not more than four thousand five hundred thirty-three (4,533), according to the last preceding Federal Census; providing for the pledging of funds for school purposes not to exceed Ten Thousand (\$10,000.00) Dollars for a period not to exceed three years, payable out of anticipated revenues of local funds not otherwise appropriated; providing for the payment or renewal of any current loans by new loans against anticipated revenues of the succeeding year; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject; and declaring an emergency."

To Committee on Education.

By Senator Metcalfe:

S. B. No. 225, a bill to be entitled "An Act amending Article 2940, Chapter 3, Title 50, of the Revised Civil Statutes of 1925, as amended by Acts of the Regular Session, Forty-sixth Legislature, 1939, so as to provide that no one shall act as chairman or as member of any district, county or city executive committee who has not paid his poll tax, or who holds any office of profit or trust in either the United States or this State, or in any city or town in this State; excepting any person who holds any such office of profit or trust in either the United States or this State or in any city or town in this State, by election, whose election thereto was not obtained by his name appearing upon the official

ballot at such election as a candidate of a political party and as the nominee thereof, and excepting an attorney for any municipality, city, school district or any other political subdivision of this State; or anyone who may be enjoying gratuitous passage on street cars or any other public service corporations by reason of his appointment as a special policeman; or anyone who has any connection whatever with the city whereby the city is justified in executing to any such person free transportation on the street cars, or franks entitling him to the free use of public service corporations, except a notary public; repealing all laws in conflict; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Spears:

S. B. No. 226, A bill to be entitled "An Act providing that in all counties in the State of Texas having county courts at law, the judges of such courts may act for the county judge in Probate or Guardianship proceedings or matters, also in Juvenile and Lunacy cases; providing that any such act and judgment of any such judge of the county court at law shall be valid and binding upon all parties the same as if rendered by the county judge; providing that no additional compensation or salary shall be paid to the judge of any such county court at law for such additional powers and duties conferred upon such judges of the county courts at law by this act; providing for the repealing of all laws and parts of laws in conflict with this Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 227, A bill to be entitled "An Act repealing Articles 1322 and 1323 of the Penal Code of the State of Texas, Revision of 1925; prohibiting the willful and malicious burning, or aiding or abetting or assisting or advising or encouraging in the burning, by any person of any insured personal property owned by himself, or of any personal property belonging to another, of a value exceeding Twenty-Five (\$25.00) Dollars; prescribing a penalty for the violation of the provisions of this

Act; prohibiting the willful and malicious burning, or aiding or abetting or assisting or advising or encouraging in the burning, by any person of any personal property belonging to another of a value exceeding Twenty-five (\$25.00) Dollars; prescribing a penalty for violation of the provisions of this Act; prohibiting the willful and malicious burning, or aiding or abetting or assisting or advising or encouraging in the burning, by any person of any insured personal property owned by himself of a value of less than Twenty-five (\$25.00) Dollars; prescribing a penalty for violation of the provisions of this Act; prohibiting the willful and malicious burning, or aiding or abetting or assisting or advising or encouraging in the burning, by any person of any personal property belonging to another; the value of which property is less than Twenty-five (\$25.00) Dollars; prescribing a penalty for violation of the provisions of this Act; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Smith:

S. B. No. 228, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 28 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of the Act, repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 229, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 271 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of this Act; repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 230, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 95 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of the Act; repealing

all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 231, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 256 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of the Act; repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 232, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 272 of the Rules, promulgated by the Supreme Court of the State of Texas; providing the effective date of this Act; repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 233, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 90 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of the Act; repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 234, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 67 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of the Act; repealing all Acts inconsistent herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 235, A bill to be entitled "An Act repealing Article 1731a of the Revised Civil Statutes of Texas, the same being House Bill No. 108, Chapter 25, page 201, Acts of the Forty-sixth Legislature, Regular Session; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 236, A bill to be entitled "An Act providing for the appointment by the District Judge of the Sixteenth Judicial District of Texas, composed of the counties of Cooke and Denton, or the judge of the judicial district of which the counties of Cooke and Denton are a part thereof, of an official shorthand reporter for such district; providing his qualifications; providing that the salary of said official shorthand reporter shall be fixed and determined by the judge of said district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for expenses as provided in Chapter 56, House Bill No. 276, Acts Regular Session of the Forty-first Legislature, 1929, which allowances, as now provided by law being fixed and established as a part of this Act; declaring this Act to be a special act, notices thereof having been duly published and exhibited as required by law; and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Concurrent Resolution 28

Senator Hill offered the following resolution:

S. C. R. No. 28, Authorizing Arol Kerley and W. E. Pendergrass to sue the State.

Whereas, On or about the 21st day of September, 1940, Arol Kerley and W. E. Pendergrass of Harrison County, Texas were travelling in an automobile on the Wright City-Henderson Highway, and while traveling on said highway, another automobile belonging to the Railroad Commission of the State of Texas, or to the State of Texas, and operated or caused to be operated by said Railroad Commission or the State of Texas, collided with the automobile in which Arol Kerley and W. E. Pendergrass were riding, and as a result of said collision Arol Kerley and W. E. Pendergrass suffered personal injuries, and also damage to them and to said automobile; and

Whereas, The said Arol Kerley and W. E. Pendergrass claim that the State of Texas or the Railroad Commission is due her damages sustained as a result of the collision afore-

said. However, it is to be understood that the purpose of this resolution is to grant permission to said Arol Kerley and W. E. Pendergrass to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution and the facts as set out herein must be proved in Court; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Arol Kerley and W. E. Pendergrass be, and they are hereby granted permission to sue the State of Texas for damages for the loss they claim to have sustained by reason of the collision as aforesaid, and that such suit may be filed and instituted in the District Court of Rusk County, Texas; and that such suit shall be tried and determined in the trial and appellate courts of this State, according to the rules of law and procedure, as to liability and defenses, as if such were against an individual; and that it is hereby provided that if such suit be instituted under the provisions of this resolution, service of process shall issue according to the rules of law governing such process in civil cases.

The resolution was referred to Committee on State Affairs.

Senate Resolution 49

Senator Hill offered the following resolution:

Whereas, The Hon. T. W. Davidson, formerly a member of the Senate, former Lieutenant Governor, and now Federal District Judge, will speak at a joint session of the Legislature on this 3rd day of March, A. D. 1941 at 11 o'clock a. m.; and

Whereas, in tribute to this distinguished public official the former Senators J. H. Baugh, R. S. Bowers, W. J. Bryan, John Davis, C. F. Richards, Woodville Rogers, T. J. Holbrook, R. A. Stuart, J. W. Thomas and A. E. Wood; and Hon. Lynch Davidson and Hon. Walter Woodul of Houston, formerly Lieutenant-Governors, are in the City of Austin and within the Capitol Building at this time for this special occasion; now, therefore, be it

Resolved, That all of the foregoing former distinguished members of this Senate and former Lieutenant-Governors be and they are hereby ex-

tended the privileges of the floor and invited to go to the House of Representatives with the Senate to hear the address of the Hon. T. W. Davidson.

The resolution was read and was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
March 3, 1941

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 38, Granting Miss Nora Mae Shuff permission to sue the State.

H. C. R. No. 45, Authorizing C. O. Kieffer to sue the State.

H. B. No. 445, A bill to be entitled "An Act validating all proceedings prior to February 10th, 1941, by the boards of trustees of independent school districts of the State of Texas authorizing the issuance of Bonds of such districts in the amount of not exceeding Twenty-five Thousand (\$25,000.00) Dollars, bearing interest at a rate of not exceeding three and one-half per centum (3½%) per annum, payable annually or semiannually, and maturing serially over a period of not exceeding twenty (20) years from their date, for the purpose of constructing and equipping public free school stadia within such districts; validating the tax levies made for the payment of such bonds; validating all such bonds authorized prior to February 10th, 1941, and which have been approved by the Attorney General, registered by the Comptroller, and sold prior to the effective date of this Act; enacting provisions incident thereto; providing a saving clause; and declaring an emergency."

H. B. No. 338, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to construct or acquire, and equip not more than six dormitories, an office building, and additional power and steam plant equipment, authorizing and re-

quiring said Board to fix fees and charges for the use of such buildings and to make parietal rules concerning the same; authorizing the issuance of negotiable revenue bonds payable from and secured by revenues from such buildings and of certain other buildings heretofore or hereafter constructed or acquired; authorizing said Board to furnish to certain buildings water, steam, power and electricity from the plant owned by the institution, to charge for such services as a part of the maintenance and operation expense of such buildings and to issue negotiable revenue bonds secured by and payable from the net revenues from such charges for the purpose of constructing or acquiring additional equipment for such plant, and additionally to secure such revenue bonds by pledging the net revenues from other specified buildings; authorizing said Board to construct an office building for certain purposes and to issue revenue bonds secured by and payable from the net revenues from such office buildings and from other specified buildings; authorizing the issuance of negotiable refunding bonds, and of refunding and construction bonds, secured by and payable from revenues as herein provided; providing that bonds authorized in this Act shall not constitute an indebtedness of the State of Texas or of said institution and that the holders of such revenue bonds shall never have the right to demand payment out of funds other than those pledged for their payment; authorizing under named restrictions use of a portion of the local funds to prevent or relieve a default or to create or maintain a reserve for such bonds; requiring approval of such bonds by the Attorney General, and prescribing the effect thereof; requiring registration by the Comptroller of Public Accounts; this Act cumulative of other laws but giving precedence to the provisions of this Act; enacting other provisions relating to the subject hereof; and declaring an emergency."

H. B. No. 211, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet and other natural gas under certain conditions for the manufac-

ture of carbon black; and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act providing for the employment in all counties having a population of not less than three hundred and twenty thousand (320,000) nor more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, of two (2) rural school supervisors; prescribing the qualifications and duties of said supervisors and defining their powers; providing the compensation to be paid to such supervisors and the method of paying same; providing the County Board of School Trustees shall have the power to discontinue the office of such supervisors whenever advisable; providing that in compliance with this Act in any of the counties affected hereby shall exempt the County Superintendent from holding a Teachers Institute, and shall exempt the teachers from attending Teachers Institute, as now required by Article 2691, Revised Civil Statutes, of Texas, 1925, as amended, and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act defining Industrial Life Insurance; forbidding the delivery or issuance for delivery of any policy of Industrial Life Insurance, unless it shall contain certain provisions, and making said provisions subject to certain exceptions; securing to insureds and beneficiaries under policies previously issued, the right to select, under certain circumstances, extended or paid-up insurance and providing for the automatic selection of extended insurance in the event such insureds or beneficiaries fail to make a selection; designating additional optional provisions to be contained in policies of Industrial Life Insurance; forbidding the inclusion of certain provisions in Industrial Life Insurance policies; requiring approval of the Board of Insurance Commissioners of all policies of Industrial Life Insurance, including such policies which provide for accident and health benefits in addition to natural death benefits, and all riders and endorsements before same can be delivered or issued for delivery; requiring written notice in case of disapproval of any policy, rider or endorsement; providing for an appeal from the decision of the

Board; providing that this Act and no other shall apply to and govern the form and content of Industrial Life Insurance policies; providing that upon proper showing to the Board of Insurance Commissioners of inability of an insurer to comply with this Act immediately upon the same becoming effective, such insurer may at the discretion of the Board have sixty days from and after the effective date of this Act in which to make full compliance with its provisions; providing for the severability of the provisions of this Act, and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act to amend Article 2746, Revised Civil Statutes relative to payment of persons holding elections of local school trustees; and declaring an emergency."

H. B. No. 26, A bill to be entitled "An Act to amend Section 6 A of Chapter 36, of the General Laws of the 43rd Legislature, Third Called Session, and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act to amend Article 4766 Revised Civil Statutes of 1925 as amended by Acts of 1937, Forty-fifth Legislature, page 419, Chapter 214, Section 1, so as to provide that the term 'Texas Securities' as used in Title 78, Chapter 4, of the Revised Statutes of 1925 shall include promissory notes and other obligations, payment of which is secured by a mortgage, deed of trust or other valid lien upon unencumbered real estate situated in the State of Texas, the title to which real estate is valid and the market value of which is forty (40%) per cent more than the amount loaned thereon, and also to include first liens upon leasehold estate in real property and improvements thereon, the title to which is valid and the leasehold on which has not less than thirty (30) years to run before expiration, provided that the duration of any loan upon such a leasehold estate shall not exceed a period of ten (10) years; and declaring an emergency."

H. B. No. 291, A bill to be entitled "An Act relating to the salaries of all State officers except those Constitutional State officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the

amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court and the Court of Criminal Appeals out of fees of office, and specifically repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 288, A bill to be entitled "An Act to authorize the County Commissioners of any county having a county court at law to appoint an official interpreter for the county court at law in such county; to provide for the salary of such interpreter and to prescribe his duties and providing for the oath of such interpreter."

H. B. No. 366, A bill to be entitled "An Act amending Article 3902, Revised Civil Statutes of 1925, and all amendments thereto, by adding thereto a new subsection to be known as subsection 8; fixing the compensation of the First Assistant or Chief Deputy, and other assistants and deputies in counties of not less than twenty-four thousand, nine hundred (24,900), and not more than twenty-five thousand (25,000) inhabitants, according to the last Federal Census, and declaring an emergency."

H. B. No. 368, A bill to be entitled "An Act providing for compensation for County Auditor in certain counties; providing mode and manner of payment of such salary; and declaring an emergency."

H. B. No. 369, A bill to be entitled "An Act fixing the salaries and traveling expenses for County Commissioners in counties of not less than twenty-four thousand, nine hundred (24,900) and not more than twenty-five thousand (25,000) inhabitants, and declaring an emergency."

H. B. No. 335, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of 1925, as amended by H. B. No. 222, Chapter 254, of the Acts of the Regular Session of the Forty-first Legislature, and further amending Chapter 137, Section 1, Acts of the Regular Session of 1931, of the Forty-second Legislature, and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, as amended by Acts of the Second Called Session of

the Legislature in 1923, as amended by Acts of 1935, Forty-fourth Legislature, First Called Session, Chapter 424, as amended by Acts of 1937, Forty-fifth Legislature, Chapter 60, providing that any person who drives or operates an automobile or other motor vehicle upon any public road or highway, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or in any degree under the influence of intoxicating liquors, shall be guilty of a misdemeanor, reducing the maximum penalty provided in said article from a penitentiary offense to a jail sentence, and increasing the minimum penalty thereof; and providing further that if such drunken driver shall be the cause of an accident whereby the death of another person shall be caused, he shall be guilty of a felony, and upon conviction he shall be confined in the penitentiary for not less than one year nor more than five years; and declaring an emergency."

S. C. R. No. 13, Authorizing the lending of guard wire to the Forney Independent School District of Kaufman County, Texas, etc.

S. C. R. No. 16, Giving the State Comptroller of Public Accounts certain authority over employees.

S. C. R. No. 27, Providing for appointment of committee to investigate feasibility and probable cost of fireproofing Capitol building.

H. C. R. No. 52, Asking the Senators and Congressmen from Texas to use their influence to impress upon the National Board of Flood Control the urgent need of dredging the channel at Waco, Texas.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bills on First Reading

The following House bills, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 445, to Committee on Civil Jurisprudence.

H. B. No. 369, to Committee on Counties and County Boundaries.

H. B. No. 368, to Committee on Counties and County Boundaries.

H. B. No. 366, to Committee on Counties and County Boundaries.

H. B. No. 338, to Committee on State Affairs.

H. B. No. 335, to Committee on Civil Jurisprudence.

H. B. No. 291, to Committee on Finance.

H. B. No. 288, to Committee on Civil Jurisprudence.

H. B. No. 211, to Committee on Oil, Gas and Conservation.

H. B. No. 80, to Committee on Education.

H. B. No. 73, to Committee on Criminal Jurisprudence.

H. B. No. 51, to Committee on Insurance.

H. B. No. 26, to Committee on Highways and Motor Traffic.

H. B. No. 11, to Committee on Education.

H. B. No. 5, to Committee on Insurance.

House Concurrent Resolutions Referred

The following concurrent resolutions, received from the House today, were laid before the Senate, read severally, and referred to the Committee on State Affairs:

H. C. R. No. 38, Granting Nora Mae Shuff permission to sue the State.

H. C. R. No. 45, Authorizing C. O. Kieffer to sue the State.

Senate Resolution 48

The President laid before the Senate, as unfinished business, for further consideration at this time (the resolution having been read on Thursday, February 27, 1941):

S. R. No. 48, Memorializing Congress to enact legislation to prevent strikes in national defense industries.

Senator Smith offered the following amendment to the resolution:

After "voided" amend by inserting "in harmony with the suggestion of Mr. Knudsen, Chairman of the Committee on National Defense."

The amendment was adopted.

The resolution as amended was adopted.

Appointment of Special Committee

Pursuant to S. C. R. No. 23, the President appointed Senators Hill, Aikin, Graves, Isbell and Martin to

escort Hon. T. W. Davidson to the Speaker's rostrum to speak to a joint session of the Legislature today at 11:00 o'clock a. m.

Report of Standing Committee

Senator Moore, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 184, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each district court, criminal district court, and county court-at-law, of Bexar County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Signing of Bills and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 4, A bill to be entitled "An Act repealing all local or special laws regulating the taking, possession, or sale of fur bearing animals in so far as they apply to Panola County, Texas; and declaring an emergency."

H. B. No. 12, A bill to be entitled "An Act repealing H. B. No. 26 of the Acts of the Regular Session of the Forty-fourth Legislature; and declaring an emergency."

H. B. No. 23, A bill to be entitled "An Act making an appropriation for the purpose of removing the remains of Captain William A. Logan, and/or erecting a monument at the grave of said Texas patriot; providing for the right of private donation to participate in the expense; and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act authorizing navigation districts created under any of the provisions of the Constitution or laws of this State in addition to the powers heretofore conferred by law to acquire, extend, construct, repair, build,

develop and maintain certain improvements in aid to deep water navigation without taxation and to borrow money therefor from the Federal Government or any other source and to issue and deliver evidences of such indebtedness payable only out of the net revenues of the district and to encumber any of the properties and facilities and revenues of the district including those for which the funds are borrowed, all as additional security providing remedies in case of default, to grant to the purchaser of said properties at foreclosure sale a franchise under stipulated terms and for not more than twenty years, and to enter into all necessary agreements to carry out the provisions hereof, providing that this Act shall not be construed as repealing any other laws of this State applicable to the subject matter hereof, providing for methods of procedure in creating the indebtedness and encumbering the properties to secure the same; and declaring an emergency."

H. B. No. 109, A bill to be entitled "An Act to amend Article 2955 of the Revised Statutes of the State of Texas, 1925, relating to qualifications to vote."

H. B. No. 138, A bill to be entitled "An Act repealing H. B. No. 945 and H. B. No. 946, enacted by the Forty-sixth Legislature of the State of Texas, pertaining to hunting and trapping on inclosed or uninclosed land of another in counties having a population of not less than fifteen thousand, one hundred forty-nine (15,149) and not more than fifteen thousand, three hundred (15,300) inhabitants according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer, bear, fox, or wild turkey or trap or molest same in Liberty County for a period of five years providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 142, A bill to be entitled "An Act making it unlawful to kill or attempt to kill bear, fox or wild turkey or molest same in Hardin County for a period of five years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act granting to the City of Cor-

pus Christi, Texas, all right, title, and interest of the State of Texas, to certain land hitherto submerged by the waters of Corpus Christi Bay; ratifying and confirming exchanges and conveyances of property within the area to certain private owners; reserving the minerals unto the State; declaring that the Act shall be cumulative of former grants and authorities; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act providing for a closed season on the taking of wild deer for a period of five years in the Counties of Motley, Floyd, Briscoe, Cottle, Hall, Childress, Dickens, Borden, Stonewall, Garza, Kent and Scurry; repealing all laws insofar as they conflict with this Act; providing for a suitable penalty; and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, by removing certain restrictions on the number of acres of land which may be owned by cities and counties for airport purposes; and declaring an emergency."

H. B. No. 217, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Stephens and Palo Pinto Counties for a period of four (4) years from and after the passage of this Act; providing a penalty therefor; providing for the protection of crops, pastures and gardens being destroyed by deer; and declaring an emergency."

H. B. No. 306, A bill to be entitled "An Act providing an open season for doves in Lamar County; and declaring an emergency."

H. B. No. 318, A bill to be entitled "An Act amending Article 2831 of the Revised Civil Statutes of the State of Texas by adding a new Section to be known as Article 2831a, and providing for certain school fund balances not expended for the current year to be placed in the School Equalization Fund in certain counties in Texas having a population of not less than three hundred and ninety thousand (390,000) and not more than five hundred thousand (500,000) according to the last preceding Federal Census; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 422, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. C. R. No. 49, Permitting both Houses to adjourn from Thursday, February 27, 1941, to Monday, March 3, 1941.

Senate Bill 136 on Second Reading

By unanimous consent, Senator Vick moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 136 at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

On motion of Senator Vick and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 136 at this time.

The President laid before the Senate on its second reading and passage to engrossment.

S. B. No. 136, A bill to be entitled "An Act amending S. B. No. 356 of the Regular Session of the Forty-first Legislature so as to make continuance of cases wherein a party or attorney is a member of the Legislature mandatory; and declaring an emergency."

The bill was read second time.

Senator Lemens offered the following amendment to the bill:

Amend S. B. No. 136 by striking from lines 24, 25 and 26 of the

printed bill, all of said lines from and including the word "but."

The amendment was adopted.

Pending further consideration of the bill, Senator Smith occupied the Chair temporarily.

(President in the Chair)

Shall the bill be passed to engrossment? .

Joint Session

(To Hear Address by Hon. T. W. Davidson)

At 11:00 o'clock a. m., the Senate repaired to the Hall of the House of Representatives for a joint session with the House to hear an address by Hon. T. W. Davidson, United States District Judge and former Lieutenant Governor.

The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them along the center aisle.

On invitation of the Speaker, the President occupied a seat at the Speaker's desk.

Judge Davidson and party were admitted to the Hall and were escorted to seats on the Speaker's rostrum by a joint committee composed of Senators Hill, Aikin, Graves, Isbell and Martin on the part of the Senate and Representatives Blankenship, Harris of Hill, Winfree, Stinson and Reed of Dallas on the part of the House.

(Representative Harold Kennedy in the Speaker's Chair)

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker (Mr. Kennedy in the Chair) called the House to order and announced a quorum of the House present.

The Speaker announced that the two Houses were in joint session to hear an address by Honorable T. W. Davidson, and presented Senator Hill, who in turn presented Judge Davidson to the joint session.

Judge Davidson then addressed the joint session of the Legislature as follows:

Mr. President and Members of the Texas Legislature:

The walls of this Chamber are sacred to me. As time rolls by, they will become so and more so to each

of you. As we walk by the portraits of Sam Houston, of Stephen Austin, of O. M. Roberts, of James Hogg, and those who have guided this Ship of State for a hundred years, we feel that we are in the house of our fathers.

Our minds turn even farther away to the land from whence they came—to the Hermitage, to Monticello, to the old House of Burgesses at Williamsburg, to Stratford, to Mount Vernon, to Arlington, and other shrines of America's patriotic devotion. When we behold these pictures we are conscious of the Golden Age of American patriotism and southern chivalry.

Our fathers raised the torch of liberty. Symbolically it stands in New York Harbor, enlightening the world. The Spirit of Washington was caught up by Bolivar, Mirandi and Martin, and its benign blessings spread from Canada to Cape Horn. It spread across the seas. The thrones of tyrants toppled and liberalized governments appeared.

We love the men who ushered in this regime. It is sometimes referred to as the "Old Order," but many of us are proud of this heritage from our noble fathers; we are proud of the greatness of our country, and we understand the meaning of the poet, when he said:

"Breathes there a man with soul
so dead,
Who ne'er to himself hath said
This is my own, my native land."

"The New Order"

Over the radio we hear that all that is left of France, the great European republic, is being encouraged and coerced into becoming a part of the "New Order." Rumania has accepted her place in the "New Order." Bulgaria, without firing a gun, like the children of pacifism, is accepting her place in the "New Order." Denmark awoke with the coming of the morn, and found that she had accepted the "New Order" without knowing it, even, in the night. Norway, Belgium, Holland, each in turn has accepted the "New Order." The "New Order" was tendered to Finland; she gallantly defended her conception of civilization and justice.

But what is this "New Order," that is to reorganize Europe and shape

civilization? Briefly stated by a survey of the European situation, and especially from the acts and doings of those that command in that unhappy continent, the new order is "State Socialism," backed by military rule. It is the rule of the Absolutist. The judiciary, with its safeguards, has been submerged beneath the waves of Fascism, Naziism and Communism. These are the triplets born to father Greed and mother Hate.

Let us descend from the heights of more lofty platitudes and, staying away from any unkind remarks, examine the new order in Germany, the source of its military power, which seeks, like the sword of Mohammed, to bring under its shadows the civilized world. In my young manhood it was my pleasure to know a plain, but highly educated old gentleman from Germany. He was a Jew; he could trace his ancestry back to the House of Levi. His children entered into all that was America and America's—blessed and embraced it with open arms. One of his type remained behind in the Fatherland. A friend of his journeyed to see him. He had been the head of a great banking house—the banking house was closed. He had owned a palatial home—the visitor found strangers there. He procured the address of its former owner and occupant, and found him, his wife, and five children living in a dungeon, where not even the sunshine could penetrate. Strange to say, he was still cheerful. He believed in Jehovah, the God of the universe.

What wrong had this man done? No law had he violated, he was simply a member of a race that the world of Naziism saw fit to hate and to persecute. It was a part of the new order. Hate is the essential element of the religion of the new order. Someone must be hated, and this man was the victim.

But let us turn to Austria. We are told that Austria became a part of the German Reich by her own election and free will. The man who was guiding the Ship of State of the Austrian nation, Mr. Schusschnigg, had committed no crime, yet for the past four years the bayonets of the German Army have stood at his chamber's door. He may not write, as you and I. He may not speak over the radio nor to the passing stranger. He may not travel

about into the lands where freedom of speech and freedom of press prevail. His only sin is entertaining different political views, and for this "sin" he is imprisoned and his liberty is gone.

How different is it here in the land given us by our fathers! When Governor O'Daniel beat Mr. Hines and Ernest Thompson in the election, everybody took up the threads of his life the next day and went happily along, including Ernest and Mr. Hines. When Franklin Delano Roosevelt beat Wendell Wilkie for the presidency, Wilkie is allowed to travel over the face of the earth and boldly proclaim the same foreign policy as the man who defeated him, not subject to coercion, but privileged to say, to think, to write, to travel. How different!

But what of the new order in Russia? There it has had 22 years to crystallize and show just what it is and how it is, and how it would operate. Still a military despotism, still no courts of justice—the temple of God and the temple of justice alike are closed to the petitioner.

Stalin wields the scepter over a hundred and sixty million people. Every confederate, every associate that sat by his side and rolled into power with him has disappeared. When they had aspirations or political convictions of their own, they went down the chute, called the blood purge, where their heads rolled into oblivion and none heard of their passing.

The artist, the poet and the historian for the past two hundred years have told us much of the Cossacks, as the heart and center of the great Russian Cavalry. But where is the Cossack today under the new order? His politics were not right. He didn't fall into the new secret political organization that dominated the land for which he had fought for hundreds of years. He is no more. The only group of Cossacks that we know about now is a band of traveling musicians over here in the United States who are afraid to go home. The rest of them, hundreds of thousands, have gone down into Death Valley for no offense other than loving their country well enough to entertain different political views from Mr. Stalin,—from Mr. Stalin whose secret hand is so powerful and whose

power is so insidious that he can dictate the death of a man across the Atlantic in his quiet retreat in Mexico. The new order has its agents over here, as well as elsewhere.

But we are told that all this will change when the democracy of Old England goes down and when Britannia no longer rules the waves. How will it change? In that respect we are not advised. Military despotisms never change until a more powerful hand hurls them into oblivion. It has been left alone for almost a quarter of a century in Russia, and there you have an opportunity to see what it will do if left to its own initiative. Sufficient is it to say that in the land of the Russians there is no independent judiciary or court of justice as we know it. Sufficient to say that the church and the temple of worship are closed and are used for profane purposes, or have become the habitat of bats and owls.

The gory and fiendlike story follows Communism and State Socialism into Spain. As a matter of propaganda it was stated often in this country that Spain was a democracy. She was not a democracy any more than Russia is a democracy. Franco's regime was inclined more toward the Fascists of Italy, and the existing regime then in power was borrowed from Russia. England took no choice between the two—it would have been a choice between two bad actors.

When the Spanish Civil War was at its bloodiest I met Judge Martin Traviesco of Puerto Rico, an American of Spanish birth, born in Puerto Rico, educated at Cornell, and in the territorial courts under the appointment of President Roosevelt, a very scholarly and splendid gentleman. He told me that his brother was run out of Barcelona by the Communists, or those in power, and that he passed into France just one day ahead of a death-trap; that the following day the train on which he passed through was halted in the tunnel under the Pyrenees and every male passenger required to get off, where he was shot. He told me that his sister lived in Madrid; that a government committee of inspectors raided a house next door to where she was living; that the stork was visiting the house that night at the time of the raid. He said that his sister was in the house because the lady was her

friend; that an eminent Spanish physician went down and met the government's examiners and explained to them the situation and asked them to wait. They did wait, and when the doctor came down to depart they took him, overpowered him, stretched his arms across a block and chopped off his hands with a meat-ax, and then remarked to him that he would never live to help another rich man's wife give birth to a child.

Those things are so brutal they sound impossible, but no one who talked with Judge Traviesco could question his integrity or his veracity. Hatred is the religion of this particular brand of State Socialism. The fiendishness with which they do their work in taking from those that have is not unlike that of the highwayman who holds you up, takes your wallet, and then snuffs out your life.

Thirty thousand Spanish priests were said to have been slain during this bloody war. They were not slain under arms, but slain because they were priests and it was open season among the adherents of Russian Communism for anything that bore the name of Christianity, and for any man that wore a white collar and had property. Judge Traviesco further stated that the secret political societies that dominated the courts and to which the landowners were probably ineligible included his hired help and servants; that they were taught to be disloyal to him and constituted a secret force that reported the doings, the comings and goings into his household to a government committee.

In one locality they may hate the Jews, in another the property holding class, and in another the church, but somebody must be hated and destroyed wherever State Socialism in its present forms spreads its branches.

So much for the new order, as it stands out in full-fledged power of war and might and regulates the affairs of nations according to its dreams.

The "Fifth Column"

Over the radio and in the columns of the press we learn that our government has in the past four months destroyed at ports of entry fifteen tons of subversive literature from Communists, Nazis and Fas-

cists, seeking to turn us away from the old order and to teach us to accept the grandeur (?) and beauty (?) of the new. Thirty thousand pounds of reading matter, or fifteen tons, in a few weeks for the consumption of the American reader, many of them youths.

The Attorney General's office of Oklahoma recently convicted a young man under the laws of that State. In his possession had been found great quantities of this literature, much of it printed in Moscow. He had fallen a victim to the Fifth Column and became a champion of the "New Order."

From that same city hails a man by the name of Oscar Ameringer, born in a German village, an organizer of socialism, an antagonist of former Postmaster General Burleson of our own State, a student of Marxism and all that the new order stands for. On the 19th of last April Mr. Oscar Ameringer, by invitation, addressed several hundred of our young people upon the University campus of this city. The burden of his song was socialism, the immediate purpose was to cut off aid and sympathy from the United States to Great Britain, who was holding up the standards of free government. "Let us starve the war," was his slogan. He knew that Germany was getting nothing from American markets, he could not have meant starving Germany; he meant to starve England. He declared, according to press reports, that the world was "suffering from a hangover of nationalism," and compared the United States to a "jackass standing knee-deep in a field of grass starving to death because he can't eat it all." His remarks were cheered by our children—yours and mine, by the sons and daughters of Texas.

I, too, subscribe to the theory that this is a land of free speech and free press. I know that many of our great institutions of learning encourage the youth to accept nothing as true but to prove it to his own satisfaction, and to build up his own standards of thought and action. The great danger is that in this formative period the standards selected may be those of the militant Nazi, Oscar Ameringer.

I do not accept everything that my father thought or believed, but I do accept from him two things and

will hold to them until I find something that is better. One is the tenets of the Christian civilization, and the other the American Constitution and the government it created.

Every man, every boy, every woman, every girl, must, if we would attain any success in life, have a standard, a goal and an objective. When a government better than the American form of government has been devised and tried, I am ready to accept it. If a faith or a creed better than that of Jehovah and Jesus Christ could be proclaimed, I would be ready to accept that. Patrick Henry said: "My feet are guided by the lamp of experience," and my course will remain under the standards of law and order, of justice and mercy.

This fifth column, this propaganda, being on the offensive, being a militant, going concern, like any offensive, tends to succeed and create new adherents. The man or the principle on the defensive is the one that must suffer. This socialistic offensive attacks us in a well organized way, where we are most vulnerable. It attacks the youth, who has not yet formulated his conceptions of life, nor his course of action. It attacks labor, and whispers in his ear that he is the victim of capital, and sows the seed of hate between employer and employee. And, in the form of "Grapes of Wrath" and other texts, it appears upon the screen. A large percentage of those who saw, for instance, the production entitled "The Grapes of Wrath" didn't realize the deductions that it brought fourth as the seed of discord, planted in the mind of the youthful observer. What are these deductions? Religion is a subject of ridicule, the funeral a burlesque, the landowner a brute, the officer of the law a tyrant, and only one spot of peace could be found for the weary soul, and that was where the Sheriff, and the police, and the hand of the law was supposed never to come, a paradise of Communism, where nobody owned anything in separate.

The approach of the fifth column is not unlike the early tactics of the Apostle Paul in spreading the blessings of the Christian faith. He took his believer where he stood and led him from there into his own doctrine. The fifth columnist takes the

isolationist and makes use of him as far as he can go. If he can keep American influences at home, then Naziism can conquer the rest of the earth. The fifth columnist approaches the pacifist and tells him that there is nothing worth fighting for. He tells him to forget the words of the great preceptor of Thomas Jefferson, who said:

"Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God!"

This fifth columnist joins himself readily and most insiduously to the industrial laborer and teaches him that his employer is an enemy and an object of hate; that he has a right to strike against his own government when the government doesn't do what he thinks is right. He teaches him to disregard the old American maxim:

"My country, may she always be right, but right or wrong, my country still!"

It seeks such champions as Harry Bridges and Earl Browder to carry the mission of dissatisfaction among those who have real or imaginary wrongs at the hands of their employers.

When I was Lieutenant Governor and presided in this Chamber, my rooms and my offices were headquarters for representatives of labor. Some of the most wholesome measures for the protection of labor and for the safety of employees were drafted by my hand in the Lieutenant Governor's quarters. I am glad to remember those men as patriots, and to know that most of them that are living now are sailing under the banners of the American Federation of Labor, men who, unlike Oscar Ameringer, are not willing to toss all nationalism into the scrap heap, but are willing to stand by you and me and say, "My country."

What is the effect of this great volume of literature, and these speakers of the Oscar Ameringer type? As I entered this building I paused to observe the painting, "The Capture of Santa Anna at San Jacinto" where freedom triumphed over a military dictator. Among the characters whose faces appear in that picture is one whose collateral descendant lately returned from a great university (not a State insti-

tution) and grieved his father by disclosing that he had embraced State Socialism and Communism. The greatness of Texas, the wonder of the American Government, is forgotten by him, and he is ready to follow the disciples of Oscar Ameringer, of Karl Marx and Stalin. I can see the tears that came into the eyes of that father when he learned that his son, in whom his hope and ambition centered, had departed from the faith of his fathers.

The effect of this propaganda is not so readily observed by the average man or woman when dosed to the youth of the country, but when you hear them weeping over the loyalists in the late Spanish contest, when you hear them declaring that Socco-Venzetti were judicially murdered, and when you hear them say the American Constitution is old and antiquated, you know that the fifth column is getting in its work.

I would not have my remarks interpreted as criticizing our institutions of learning. They are yours, and they are mine. We, too, use the thought of the Great Philosopher, cannot step out and with one full sweep pull the tares from among the wheat. We must grow them out and teach them out. A man cannot write in his will, when he would disinherit John, "I will and direct that my son John take nothing from my estate, unless he gives his estate to somebody else, so that there is none left for John. Otherwise John comes in for his share." If he would disinherit John, he must will all of his estate to his daughter, Jane, or to others, and leave none for John. We can probably not eradicate subversive thought from our educational system by any bill or measure of this body. We can direct it into different channels. We can put ourselves upon the offensive and by militant organizations like the Boy Scouts for the little fellow and the American Legion with the large ones, produce the type of men that Sam Houston, John H. Reagan, and James Stephen Hogg would have us to bring forth.

I would like to see a Chair of American Government and History installed in every State School of Texas, where those who are preparing to teach are being tutored. I would make it a part of every teacher's course of study, and there the struggles of our fathers for freedom would be

taught. There the background of our system of government would be painted and brought forth. There American history would be taught again to mature minds and not to those of the lower, intermediate grades alone.

The personnel of these Chairs should be chosen by a select body, one of whom should be recommended by an institution like the American Bar Association, like the American Legion, and like the American Federation of Labor, and then of course by your Governor and your Supreme Court.

We should not stop by forcing this course into the schools, because for some it might seem distasteful, but it should be made attractive. How many of you have ever enjoyed for a week the Davis Mountains of our own State? How many of you have been to Fort Davis, where clean, cold water bubbles from the ground beneath the palisades of rock of wondrous beauty? How many of you have seen the oak groves and the group of giant sycamores that cluster around these springs? How many of you have seen the rock homes that still stand there, with the barracks and quarters of the soldiers of the early period of our State? How many of you have slept under its delightful climate, where it is not so cool as to give you a cold, but where you can sleep under a blanket every night, just one mile high? I should acquire a spot like that and upon it I would build a school, or a lecture hall, we might call it a Chautauqua, or a school of Americanism, where the best teachers and speakers upon law and government would lecture, and during the summer vacation of the school teachers of Texas I would provide for them a free course, at least every third year, where the beauties of the stories of one's native land would be made to live again in the minds of those that teach the youth. There they might be taught the philosophy of Moses and of Christ, Himself, that man is rewarded according to the deeds done in the body, that he is punished for his evil doings, and blessed for his righteous acts. There they might be taught the words of Jefferson:

"Let us found a government in which there will be no extremely rich and no abjectly poor. Then let us say to every man, 'With the Gifts God has

given you, your brain, your brawn, your energy, work out your own fortunes under a just government and an equal jurisprudence.'"

To the youth I would say in the language of the very wise man:

"My son, hear the instruction of thy father and forsake not the law of thy mother."

And I would let them hear the intonation of that hymn:

"Faith of our fathers, keep our country true and free,
Faith of our fathers, holy faith we will be true to thee."

At the conclusion of the address, the President requested the Senate to retire to its Chamber.

In the Senate

The President called the Senate to order at 11:55 o'clock a. m.

On motion of Senator Hill, the address of Hon. T. W. Davidson delivered to the joint session today, was ordered printed in the Journal.

Senate Bill 136 on Engrossment

(Pending Business)

The Senate resumed consideration of S. B. No. 136, relative to continuance of cases wherein a party or attorney is a member of the Legislature, on its passage to engrossment, the bill having been read second time today.

Question.—Shall the bill be passed to engrossment?

Reports of Standing Committees

Senator Kelley, by unanimous consent, submitted at this time, the following report:

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. C. R. No. 22, A concurrent resolution, permitting Crosbyton Independent School District to levy and collect tax not to exceed One and 50/100 (\$1.50) Dollars on each One Hundred Dollars valuation.

Have had the same under consideration and do hereby recommend that the same pass and be not printed.

KELLEY, Chairman.

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 241, A bill to be entitled "An Act authorizing the trustees of the Crosbyton Independent School District in Crosby County, Texas, to borrow money in a sum not to exceed Ten Thousand (\$10,000) Dollars for the purpose of supplementing money on hand with which to pay outstanding obligations and to refinance and liquidate outstanding and past due indebtedness of said district, and to issue interest bearing time warrants therefor, without an election; prescribing the terms and conditions for the issuance of said time warrants; providing for the levying of a tax to pay same; prescribing the terms and conditions and the rate of interest of said time warrants; and declaring an emergency."

Have had the same under consideration and do hereby recommend that the same do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee of Education, to whom was referred

S. B. No. 113, A bill to be entitled "An Act providing a method of issuing and registering for payment public school warrants drawn on the local maintenance funds; providing for the payment of such warrants in the order of registration; prohibiting the purchasing or offering to purchase warrants at a discount and providing a penalty; providing that obligations incurred prior to the effective date of this Act are not precluded; providing a saving clause; and declaring an emergency."

Have had the same under consideration and I am instructed to recommend that the same do pass with committee amendments hereto attached, and be printed.

KELLEY, Chairman.

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 161, A bill to be entitled "An Act amending Article 2655, Re-

vised Civil Statutes, providing for the election of State Superintendent of Public Instruction, prescribing the qualification and length of term, and fixing the salary to be paid; and declaring an emergency."

Have had the same under consideration and do hereby recommend that the same do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 177, A bill to be entitled "An Act amending Article 2616, Revised Civil Statutes of Texas, 1925, to remove the government and direction of policies of the John Tarleton Agricultural College at Stephenville from the authority of the Board of Directors of the Agricultural and Mechanical College of Texas, and to create instead a board of five directors, to be appointed by the Governor, to take over such duties; and declaring an emergency."

Have had the same under consideration and do hereby recommend that the same pass and be printed.

KELLEY, Chairman.

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 250, A bill to be entitled "An Act to fix the minimum rate of tax to be levied for school purposes in the Crosbyton Independent School District in Crosby County, Texas, for the purpose of maintenance, payment of bonded indebtedness, and payment of such time warrants as may be legally authorized and issued by said district; and declaring an emergency."

Have had the same under consideration and do hereby recommend that the same pass and be not printed.

KELLEY, Chairman.

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. C. R. No. 21, A concurrent resolution, permitting Crosbyton Inde-

pendent School District to borrow money not to exceed Ten Thousand (\$10,000.00) Dollars, for the purpose of supplementing money on hand to pay outstanding obligations, etc.

Have had the same under consideration, and do hereby recommend that the same pass and be not printed.

KELLEY, Chairman.

Thanking Members of Senate

Miss Carrin Foreman Mauritz, Queen of the Senate, advanced to the bar of the Senate and thanked the Senators for the honor conferred upon her in electing her Queen of the Senate.

Senate Bill 154 on Second Reading

Senator Kelley moved that Section 5 of Article 3 of the Constitution be suspended to permit consideration of S. B. No. 154 at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 154 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 154, A bill to be entitled "An Act amending Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, by adding thereto subsection (d), to allow the commissioners' courts in all counties of more than one hundred two thousand and one (102,001) and less than one hundred ten thousand (110,000) population, according to the last preceding Federal Census, to fix the salary of

the county treasurer at any sum not less than Fifty (\$50.00) Dollars per month; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Senator Kelley offered the following amendments to the bill:

(1)

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, is hereby amended by adding thereto Subsection (d), which shall read as follows:

"(d). The commissioners' court of the respective counties of Texas having a population of more than one hundred two thousand and one, (102,001) and less than one hundred ten thousand (110,000), according to the last preceding Federal Census, are hereby authorized to fix the salary of the county treasurer of their particular county at any sum not less than Six Hundred (\$600.00) Dollars per year nor more than Twenty-seven Hundred (\$7,700.00) per year. In the determination of such salary the court will consider the fees received by such office during the preceding fiscal year, the expenses of that office during the same period, and the relative duties incumbent on such office; and shall in their discretion affix to such office such compensation as they deem just and necessary for the services rendered, within the limits hereinbefore provided."

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict; and this Act shall be interpreted as an express modification of Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, to the extent provided.

Section 3. The effective date of this Act shall be January 1, 1943.

(2)

Amend the caption of the bill to read as follows:

A bill to be entitled

"An Act amending Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second

Called Session, as amended by H. B. No. 161, Regular Session, Forty-sixth Legislature, by adding thereto Sub-section (d), providing that the commissioners' courts in all counties of more than one hundred two thousand and one (102,001), and less than one hundred ten thousand (110,000) population according to the last preceding Federal Census, may fix the salary of the county treasurer at any sum not less than Six Hundred (\$600.00) Dollars per year and not more than Seventy-seven Hundred (\$7,700) Dollars per year; repealing all laws or parts of laws in conflict herewith; and providing the effective date of this Act to be January 1, 1943."

Question.—Shall amendment (1) be adopted?

Senate Concurrent Resolution 29

Senator Chadick, by unanimous consent, offered at this time the following resolution:

Whereas, This Nation is engaged in the mighty task of preparing for defense against the aggressor nations of the world; and

Whereas, The State of Texas produces a large percentage of the petroleum produced on the North American continent; and

Whereas, Petroleum and its products are vital to the National defense; and

Whereas, The State of Texas has enacted and has in force laws providing for an orderly development, conservation, and production of its petroleum resources and such laws are reasonable and enforceable; and

Whereas, The Railroad Commission of the State of Texas, the agency charged by law with the administration of the development, conservation, and production of the petroleum resources of this State, has tendered its cooperation to all agencies engaged in perfecting our National defense; and

Whereas, No necessity exists for the control of the petroleum resources of this State by the Federal Government or any of its agencies; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Congress of the United States be petitioned not to enact any laws regarding the conservation, development, and production of the petroleum

resources of the State of Texas or placing the conservation, development and production of the petroleum resources of this State under Federal control or the control of any Federal agency; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, a copy to the President of each House of the Congress of the United States, and a copy to each Senator from the State of Texas and each member of the House of Representatives from the State of Texas.

The resolution was read.

On motion of Senator Chadick, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

Senate Concurrent Resolution 21

On motion of Senator Formby and by unanimous consent, the regular order of business was suspended to permit consideration of S. C. R. No. 21 at this time.

The President then laid before the Senate:

S. C. R. No. 21, Permitting Crosbyton Independent School District to borrow money not to exceed Ten Thousand (\$10,000.00) Dollars for the purpose of supplementing money on hand to pay outstanding obligations, etc.

The resolution was adopted.

Record of Vote

Senator Moore asked to be recorded as voting "nay" on the resolution.

Senate Concurrent Resolution 22

On motion of Senator Formby and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 22, Permitting Crosbyton Independent School District to levy and collect tax not to exceed One and 50/100 (\$1.50) Dollars on each One Hundred Dollars valuation.

The President laid the resolution before the Senate, and it was adopted.

Record of Vote

Senator Moore asked to be recorded as voting "nay" on the resolution.

Report of Standing Committee

Senator Sulak, by unanimous consent, submitted the following report:

Austin, Texas,
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 182, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a Department of Cosmetology of the State Board of Health for the licensing of persons to carry on and to teach such practices and to insure a better training and education of such practitioners and instructors; to provide for sanitary rules to prevent the spread of infectious and contagious diseases; to provide for health examinations; to provide penalties for the violation thereof; providing for the levy and collection of taxes and charges thereunder and to make an appropriation; providing a saving clause; repealing all laws in conflict herewith; declaring an emergency, and providing that this Act shall repeal and supersede H. B. No. 189 of the Regular Session of the Forty-fourth Legislature, and H. B. No. 127 of the Second Called Session of the Forty-fourth Legislature of the State of Texas."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Senate Concurrent Resolution 25

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

S. C. R. No. 25, Requesting Congress to pass bill relative to prevention of tuberculosis.

The President laid the resolution before the Senate, and it was adopted.

Adjournment

On motion of Senator Hill, the Senate at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-NINTH DAY

(Tuesday, March 4, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Spears Sulak

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Sulak was granted leave of absence for today on account of important business on motion of Senator Lemens.

Senator Spears was granted leave of absence for today and tomorrow on account of important business on motion of Senator Graves.

Reports of Standing Committees

Senator Brownlee submitted the following reports:

Austin, Texas,
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred.

H. B. No. 26, A bill to be entitled "An Act to amend H. B. No. 6, Acts of the Second Called Session, Forty-first Legislature, Chapter 88, as amended in Section 6a of H. B. No. 53, being Chapter 27, of the General